

Message Text

UNCLASSIFIED

PAGE 01 JOHANN 01311 051536Z

44

ACTION EB-07

INFO OCT-01 AF-10 ISO-00 L-02 USPS-01 CIAE-00 INR-07

NSAE-00 RSC-01 TRSE-00 IO-10 JUSE-00 COME-00 /039 W

----- 091668

R 051210Z DEC 74

FM AMCONSUL JOHANNESBURG

TO SECSTATE WASHDC 3624

INFO AMEMBASSY PRETORIA

UNCLAS JOHANNESBURG 1311

E.O. 11652: N/A

TAGS: ETRD, SF, US

SUBJECT: MAIL FRAUD: INTRATEX

REF: STATE A-2151, MARCH 2, 1972

1. SUMMARY: ON OCTOBER 24, 1974, JUDICIAL OFFICER OF THE U.S. POSTAL SERVICE ISSUED AN ORDER TO POSTMASTERS FORBIDDING THEM FROM SERVICING POSTAL MONEY ORDERS FOR, AND INSTRUCTING THEM TO RETURN ALL MAIL ADDRESSED TO, INTERNATIONAL TRADE TELEX DIRECTORY OR INTRATEX OF SANDTON CITY OFFICE TOWER, 5TH AVENUE, P.O. BOX 78216, SANDOWN, SANDTON 2416, SOUTH AFRICA. THIS ACTION WAS TAKEN BECAUSE "SATISFACTORY EVIDENCE" HAD BEEN PRESENTED TO THE POSTAL SERVICE THAT INTRATEX WAS GUILTY OF "FALSE REPRESENTATIONS WITH RESPECT TO SOLICITATIONS IN THE GUISE OF BILLS OR STATEMENTS OF ACCOUNT NOT COMPLYING WITH 39 U.S. CODE, SECTION 3001 (D)". INTRATEX HAS ASKED THIS OFFICE TO INTERVENE WITH POSTAL SERVICE TO REQUEST WITHDRAWAL OF THE ACTION ORDERED ON OCTOBER 24, ON GROUNDS THAT THE COMPANY HAD SENT THE OFFENDING MAIL ORDER SOLICITATIONS IN GOOD FAITH, AFTER HAVING MADE REPEATED EFFORTS TO ASCERTAIN PERTINENT U.S. LAW AND REGULATIONS IN ORDER TO COMPLY WITH THEM. END SUMMARY

2. INTRATEX HAS POINTED OUT THAT IN NOVEMBER IT SENT 60,000 SOLICITATIONS BY SURFACE MAIL TO THE U.S.A., AND POSTAL SERVICES ORDER WOULD NEGATE THE COMPANY'S TOTAL OUTLAY FOR THAT EFFORT AS WELL AS CAUSING IT A UNCLASSIFIED

UNCLASSIFIED

PAGE 02 JOHANN 01311 051536Z

SERIOUS LOSS OF INCOME THIS YEAR DUE TO INSUFFICIENT TIME FOR THEM

TO SEND A SECOND MAILING. INTRATEX ASSURES US THAT ALL FUTURE MAILINGS TO THE U.S. A. WILL COMPLY WITH TITLE 39 U.S. CODE, SECTION 3001 (D).

3. INTRATEX APPEARED ON LIST OF FIRMS IN AIRGRAM UNDER REFERENCE AGAINST WHICH U.S. POSTAL SERVICE HAD TAKEN ACTION FOR SIMILAR OFFENSE. PRESENT OWNERSHIP OF INTRATEX, HOWEVER, ASSURES US THEY TOOK CONTROL SUBSEQUENTLY OF INTRATEX AND HAVE NEVER HAD INDICATION OF POSTAL SERVICE ACTION AGAINST THE FIRM UNTIL RECEIVING A COPY A FEW DAYS AGO OF SERVICE ORDER OF OCTOBER 24.

4. INTRATEX HAS GIVEN US PHOTOSTAT COPIES OF CORRESPONDENCE INDICATING THE NEW MANAGEMENT'S REPEATED EFFORTS TO ASCERTAIN PRECISE U.S. REQUIREMENTS FOR ITS MAIL ORDER SOLICITATIONS. LAST JUNE, INTRATEX WROTE TO U.S. GOVERNMENT PRINTING OFFICE ASKING FOR COPIES OF MOST RECENT U.S. LEGISLATION ON THIS SUBJECT; THE REPLY CONSISTED OF A NON-COMMITTAL FORM-LETTER. IN JULY THE COMPANY ENDEAVOURED THROUGH PRIVATE BUSINESS CONTACTS IN THE STATES TO CHECK ON THE U.S. RULES THIS FIELD; THE RESPONSE OF A U.S. LAWYER, QUOTED BACK TO INTRATEX, WAS "YOU CAN PRINT IN THE U.S. WHATEVER YOU WANT, AS LONG AS YOU DON'T MISREPRESENT WHAT YOU ARE STATING, AND EVENTUALLY FOLLOW UP TO THE LETTER WHAT YOUR STATEMENT IS." IN AUGUST INTRATEX WROTE TO THE SOUTH AFRICAN EMBASSY IN WASHINGTON ASKING FOR U.S. LAW CONCERNING THE MAIL ORDER BUSINESS; THE SOUTH AFRICAN EMBASSY SENT SEVERAL OFFICIAL U.S. PUBLICATIONS TO INTRATEX IN OCTOBER, THE SAME MONTH IN WHICH INTRATEX RECEIVED A LETTER FROM THE DEPARTMENT OF JUSTICE OF THE STATE OF CALIFORNIA WARNING INTRATEX THAT THESE SOLICITATIONS WERE VIOLATING CALIFORNIAN LAW, POINTING OUT THAT LAW'S REQUIREMENTS. INTRATEX PROCEEDED TO OVERPRINT THE REQUIRED STATEMENT ON A NUMBER OF ITS SOLICITATION FORMS TO COMPLY WITH CALIFORNIAN LAW. IN EARLY NOVEMBER INTRATEX WROTE THE SOUTH AFRICAN EMBASSY AGAIN ASKING FOR THE MAIL-ORDER SPECIFICATIONS OF INDIVIDUAL STATES; THIS TIME THE EMBASSY ANSWERED IN LATE NOVEMBER TO THE EFFECT THAT IT DID NOT HAVE THE LEGAL REQUIREMENTS OF INDIVIDUAL STATES. MEANWHILE INTRATEX HAD SENT OUT ITS 60,000 APPROACHES TO U.S. ADDRESSEES OUTSIDE OF CALIFORNIA, WITH A STATEMENT PRINTED ON THE BOTTOM OF EACH FORM TAILORED TO CANADIAN REQUIREMENTS, WHICH COMES VERY CLOSE TO COMPLIANCE WITH THE U.S. CODE.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 JOHANN 01311 051536Z

5. THE JOHANNESBURG POST OFFICE WROTE TO INTRATEX ON NOVEMBER 27, 1974, ENCLOSING A COPY OF THE POSTAL SERVICE ORDER OF OCTOBER 24 AND FURNISHING INTRATEX, FOR THE FIRST TIME, FULL DETAILS OF THE REQUIREMENTS OF U.S. CODE TITLE 39, SECTION 3001 (D).

6. THE PRESENT MANAGEMENT OF INTRATEX ENJOYS A GOOD COMMERCIAL REPUTATION IN SOUTH AFRICA. WE HAVE SEEN EXAMPLES OF THEIR NEW INTERNATIONAL TRADE TELEX DIRECTORY, OBVIOUSLY A SERIOUS PUBLICATION.

IT APPEARS TO THIS OFFICE, THAT THE NEW INTRATEX MANAGEMENT HAS
ATTEMPTED TO COMPLY WITH U.S. REGULATIONS AND THOUGHT IT WAS DOING SO

UNTIL RECEIVING THE LOCAL POST OFFICE LETTER OF NOVEMBER 27 WITH A
COPY OF YOUR ORDER. THE FIRM HAS NO RPT NO QUARREL WITH U.S.
FEDERAL OR STATE MAIL ORDER SOLICITATION REQUIREMENTS, HAS SOUGHT
TO COMPLY WITH THEM AND GIVES EVERY ASSURANCE OF COMPLIANCE IN THE
FUTURE BY FURTHER REVISING ITS SOLICITATION FORM.

7. ACTION REQUESTED: IN VIEW OF THE HEAVY FINANCIAL LOSSES
LIKELY TO ENSUE AS A RESULT OF THE EFFECT OF THE POSTAL SERVICE
ORDER ON MAILINGS INTRATEX HAS ALREADY MADE TO THE U.S., THE
FIRM RESPECTFULLY REQUESTS THAT THE POSTAL SERVICE AMEND THE ORDER
OF OCTOBER 24 IN SUCH A WAY AS TO AVOID PENALIZING INTRATEX FOR THE
MAILINGS ALREADY MADE WITH NO APPARENT INTENT TO MAKE FALSE
REPRESENTATIONS. THIS OFFICE WILL FORWARD BY AIRGRAM SAMPLES OF
INTRATEX'S REVISED SOLICITATION FORM FOR POSTAL SERVICE INSPECTION
TO AVOID FUTURE PROBLEMS.GUTHRIE

NOTE BY OC/T: REFTTEL NOT IDENTIFIED NOR AVAILABLE IN RESEARCH.

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MAIL FRAUD
Control Number: n/a
Copy: SINGLE
Draft Date: 05 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974JOHANN01311
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740353-0448
From: JOHANNESBURG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741258/aaaabxwn.tel
Line Count: 134
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: STATE A-2151, MARCH 2, 1972
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 19 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 SEP 2002 by ReddocGW>; APPROVED <13 FEB 2003 by MorefiRH>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MAIL FRAUD: INTRATEX
TAGS: ETRD, ETEL, SF, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005